

**Appeal Number:** 02-11-00-0034 (215)

**Appellant:** Michael Sladdin, Powder to the People (PTTP)

**Date Received:** June 15, 2011

**Decision:** White River Travel Management Plan

**Decision Maker:** Forest Supervisor, Scott Fitzwilliams, White River National Forest

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### **APPEAL ISSUE 1: Public support**

The issue of public motorized access to the ski terrain off of Richmond Ridge has long been debated, and came to a head several years ago when Forest Service officers were hired and equipped with vehicles by the Aspen Skiing Co. to police the area and deter motorized travel on the over-snow roads used by Aspen Mountain Powder Tours, which has a special-use permit for the area.

Because the area has for decades been a place locals enjoyed, broad public support to continue that historical use was reflected in the two comment periods on the TMP... Unfortunately, none of the ideas brought forward by the general public were brought forward. In fact, public support was ignored in this case.

#### **APPEAL SUB-ISSUE 1b: Inadequate response to comments (there is no 1a identified in the appeal)**

In reviewing the Response to Comments document included in the WRNF TMP CD, we find several of the responses lack a basis to deny motorized public access of the over-snow roads in the Richmond Ridge area... [These responses do] not acknowledge that the comments were overwhelmingly in favor of motorized winter activity.

### **APPEAL ISSUE 2: Elected officials' support**

Powder to the People has over the last few years garnered the support of various elected officials, some of whom have urged the Forest Service to allow motorized public access to the area in question, to no avail. No elected officials have specifically spoken out against this idea. We believe it's irresponsible of the Forest Service to ignore elected officials, who are charged with reflecting the interests of the general public and whose jurisdiction is the area in question.

### **APPEAL ISSUE 3: Viability of Gentleman's Agreement**

After policing began on Richmond Ridge in the 2004/2005 season, Powder to the People entered a series of negotiations with the Aspen Skiing Co. and the main private landowner in the area that resulted in the "Gentleman's Agreement," a "handshake" deal in which SkiCo allowed public motorized use on one of the three over-snow roads in the Powder Tours area. The agreement continued for three seasons, and was generally felt to have worked well for all parties. [In 2008], then District Ranger Irene Davidson revoked the Gentleman's Agreement with no warning or discussion with Powder to the People. (It had had her blessing prior to that.)

Since then, we have not been given any good reason why the Gentleman's Agreement could not be formalized in the TMP, as many of our supporters have urged.

#### **APPEAL ISSUE 4: Due process issues & misunderstanding**

During her roughly two-year tenure at the district, [Ranger Davidson] met with our group just one time and appeared to be prejudiced against our position without explanation or rationale. Contrary to what one of her staffers told us at the time, she granted Powder Tours a 10-year permit (prior to that they had to renew their permit annually), very clearly putting the interests of an outfitter over the general public.

#### **APPEAL ISSUE 5: The Richmond Ridge plan**

In April 2000, Pitkin County approved and recorded the Little Annie/Richmond Ridge/Pearl Pass Management Plan. The document was the culmination of a series of discussions and public meetings, including various user groups and led by the county and the Forest Service. The plan supports public self-policing snowmobile use in the Richmond Ridge area (modeled after the Shrine Pass area plan) and suggests that skier-snowmobile traffic be limited to the over-snow roads within the Powder Tours permit area.

We believe it is wrong of the TMP decision to not take into account the prescription for an area that was so carefully crafted by a collaboration headed by the Forest Service.

#### **APPEAL ISSUE 6: No recognition of hybrid skiers/snowboarders**

In his ROD, Mr. Fitzwilliams wrote: Since 1985, the WRNF has recognized that several changes made to the travel system warrant examining and decisions made in response to unauthorized routes. One significant change in resource use lies in the modes of travel that have become popular since the adoption of the 1985 travel management plan.”

While not a new mode of travel per se, the hybrid skier/snowboarder, one that uses motorized means to access skiing, is much more prevalent now than in 1995, and can only be expected to grow. Unfortunately the TMP does not recognize hybrid skiing/snowboarding in the Aspen/Sopris Ranger District. The McFarlane’s area on Richmond Ridge is ideal for such recognition because of its good skiing, nearby parking, and easy access from Aspen Mountain ski area. It is in a 7.1 Intermix area, which allows a multitude of uses and is by no means a pristine backcountry area. By not allowing public motorized use there, it pushes the hybrid skier further into areas that are not appropriate (such as wilderness or areas bordering on wilderness) and present issues of safety and access.

#### **APPEAL ISSUE 7: Historical use/responsible use**

The public has been accessing the east side of Richmond Ridge with snowmobiles and snowcats for decades... We believe that historical public use, which has proven itself to be by and large responsible use, should have been considered in the final TMP decision.

#### **RELIEF REQUESTED**

The mission of the Forest Service is: “Caring for the land and serving the public.” We appreciate you serving the public by considering this appeal as being one from the public, whom we feel we represent, and putting the public’s interests above that of a commercial interest that caters primarily to the wealthy, exclusive few.